

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Omar Feliciano and Isanette Ayala, :
Debtors. : Bankruptcy No. 18-10933 mdc

ORDER

AND NOW, on August 15, 2019, the debtors, Omar Feliciano and Isanette Ayala (the “Debtors”) filed the Motion to Modify/Cramdown Claim of Internal Revenue Service (6-2) (the “Motion”).¹

AND, on September 3, 2019, the Internal Revenue Service (the “IRS”) filed the IRS’s Response to Debtors’ Motion to Modify the Internal Revenue Service’s Claim (the “Response”).²

AND, on September 10, 2019, the Court held a hearing on the Motion and the Response (the “Hearing”).³

AND, at the close of the Hearing, the Court ordered the Debtors and the Internal Revenue Service (the “IRS”) to file simultaneous briefs in support of their respective arguments (“Brief in Support”) on or before October 17, 2019.⁴

AND, as of the date of this Order, no Brief in Support has been filed by either the Debtors or the IRS.

It is hereby **ORDERED** that the Motion is **DENIED** for failure to prosecute. *See Hewlett v. Davis*, 844 F.2d 109, 114 (3d Cir. 1988) (“The power to dismiss for failure to prosecute, which may be exercised with or without notice or opportunity to be heard, rests in the discretion of the trial court and is

¹ Bankr. Docket No. 45.

² Bankr. Docket No. 49.

³ Bankr. Docket No. 50.

⁴ Bankr. Docket No. 50.

part of its inherent authority to prevent undue delays in the disposition of pending cases and to avoid congestion in its docket.”).

Dated: November 15, 2019



MAGDELINE D. COLEMAN
CHIEF U.S. BANKRUPTCY JUDGE

Keith D. Sklar, Esquire
Candyce I. Smith-Sklar, Esquire
Law Offices of Sklar Smith-Sklar
1901 N. Olden Avenue, Suite 22
Ewing, NJ 08618

Anthony St. Joseph, Esquire
US Attorney's Office EDPA
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

William C. Miller, Esquire
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105

United States Trustee
Custom House
200 Chestnut Street, Suite 502
Philadelphia, PA 19106-2912